

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DOCKET NO. 05-11547-RWZ

**LAUREN VARALLO,
Plaintiff,**

v.

**TOWN OF NANTUCKET POLICE
DEPARTMENT and JAMES SAMSON,
Defendants**

DEFENDANT'S MOTION TO CONTINUE TRIAL DATE

The defendant, Town of Nantucket moves this Court to reschedule the trial presently scheduled to commence on May 29, 2007.

As grounds therefor, the defendant states:

1. Defendant's counsel of record, Douglas I. Louison is the defense counsel in the criminal matter pending in the Middlesex Superior Court entitled Commonwealth v. Keith Winfield, Docket No. 2006-968.
2. Attorney Louison appeared in the Middlesex Superior Court First Session and the Court, Kottmyer, J scheduled the criminal jury trial to commence on the same day as that which is scheduled to commence in the instant action, May 29, 2007.
3. As a result, counsel cannot appear in the instant action.
4. It is anticipated that the jury trial in the matter Commonwealth v. Keith Winfield matter will take approximately two weeks of trial time.
5. The defendant further relies on the attached affidavit of Douglas I. Louison.
6. Counsel conferred but failed to resolve same with plaintiff's counsel.

Defendant, TOWN OF NANTUCKET
POLICE DEPARTMENT,
By its attorney,

/s/ Douglas I. Louison
Douglas I. Louison (BBO # 545191)
MERRICK, LOUISON & COSTELLO
67 Batterymarch Street
Boston, MA 02110
(617) 439-0305

CERTIFICATE OF SERVICE

I, Douglas I. Louison, hereby certify that on the 1st day of May, 2007, I served the foregoing by causing a copy to be mailed, postage prepaid, directed to **Bradley Henry**, Meehan, Boyle, Black & Bogdanow, PC, Two Center Plaza, Suite 600, Boston, MA 02108 and **Philip Slotnick, Esquire**, Shocket & Dockser, LLP 6 Huron Drive, PO Box 2219, Natick, MA 01760.

/s/ Douglas I. Louison
Douglas I. Louison

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AFFIDAVIT OF DOUGLAS I. LOUISON

I, Douglas I. Louison, do hereby swear and depose the following:

1. I am an attorney in good standing licensed to practice law in the Commonwealth of Massachusetts and before the United States District Court in Massachusetts.
2. I am the counsel of record in the criminal matter pending in the Middlesex Superior Court entitled Commonwealth v. Keith Winfield, Docket No. 2006-968.
3. I appeared on April 24, 2007 in the first session of the Middlesex Superior Court before the Honorable Judge Kottmyer on a final pretrial conference.
4. At that time, trial was scheduled to commence before a jury on May 29, 2007.
5. Additionally, I am the counsel of record in the civil matter pending in the United States District Court entitled Lauren Varallo v. Town of Nantucket, et al., USDC CA No. 05-11547-RWZ.
6. As a result of the scheduling of the criminal matter in the Superior Court, I will be unable to appear in the United States District Court to commence trial on the same date, May 29, 2007.
7. It is anticipated that the trial of the Middlesex Superior Court matter will take approximately two weeks.

Signed under the pains and penalties of perjury, this 1st day of May, 2007.

/s/ Douglas I. Louison
Douglas I. Louison